

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.762 OF 2004

IN
SUIT NO.2176 OF 1993

Hari Jaisinghani ...Plaintiff

Versus

The International Research Park
Laboratories Ltd. & Ors. ...Defendants

.....

Mr.Anil Agrawal with Mr.M.Motiwala for
Defendant No.6/Applicant & Defendants 10 to 12.
Mr.Ajay Kumar i/b Nankani & Associates for Plaintiff.
Mr.V.M.Parkar for Defendants 1 to 3 & 13.

.....

CORAM: A.M.KHANWILKAR, J.
SEPTEMBER 6, 2005.

P.C.

1. Office remark indicates that affidavit of service is not filed. In response, Counsel for the Applicant/Defendant No.6 contends that the Chamber Summons is essentially directed against the Plaintiff and Plaintiff has been duly served and is

represented by Advocate. In view of the statement made by the Counsel for Applicant/Defendant No.6, service to other parties is dispensed with.

2. As Plaintiff who is the only contesting party in the present application is represented by the Advocate, filing of affidavit of service is dispensed with. Application is heard forthwith by consent.

3. By this application, Defendant No.6 prays that the Plaintiff be directed to delete the Applicant/Defendant No.6 from the array of Defendants and strike of his name from the Plaint and proceedings pending in this Court. This relief is prayed on the assertion that the Applicant/Defendant No.6 was alternate director in the Defendant No.1 Company. Besides, no relief has been claimed against Defendant No.6 as such. The argument canvassed on behalf of the Applicant is supported by the prayer clause in the Plaint. Counsel for the Plaintiff is, however, opposing this Application.

4. In my opinion, as no case is made out against the Applicant/Defendant No.6 in the Plaint as filed and no relief is claimed against the said Defendant, continuation of Defendant No.6 in the array of parties is wholly unnecessary.

5. Accordingly, Chamber Summons made absolute in terms of prayer clause (a). Plaintiff is directed to carry out necessary amendment within four weeks from today.

A.M.KHANWILKAR, J.